

**REMARKS**

Claims 1, 3, 4 and 6-14 are pending in this application. By this Amendment, claims 1, 3, 6 and 14 are amended. No new matter is added.

Applicants appreciate the courtesies shown to Applicants' representatives by Examiner Forman in the October 18, 2004 personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

**I. §102 Rejections over Fiekowsky**

The Office Action rejects claims 1, 4, 6-10 and 14 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,090,555 to Fiekowsky et al. (Fiekowsky).

Claim 1 is directed to a method for imaging an array of discrete reaction sites on the surface of the solid support to detect the presence of molecules in reaction sites on the array, comprising separately aligning individual inspection windows of each of the discrete reaction sites with the location of the reference molecule. As agreed to in the personal interview, Fiekowsky fails to teach this feature of claim 1.

Fiekowsky discloses a scanned image alignment system and method that includes scanning an image and then aligning the entire scanned image according to a recognized pattern. See col. 2, lines 24-51, col. 7, lines 43-54 and col. 8, lines 3-12. Thus, in contrast to the claimed invention, Fiekowsky discloses aligning the entire scanned image at once, based on a recognizable pattern. However, as agreed to in the personal interview, claim 1 requires separately aligning individual inspection windows with the location of a reference molecule. For at least these reasons, as agreed to the personal interview, Fiekowsky fails to teach every feature of claim 1, and thus claim 1 is not anticipated by Fiekowsky.

Claims 4, 6-10 and 14 depend from claim 1, and thus include all of its limitations. Accordingly, these dependent claims are not anticipated by Fiekowsky for at least the same

reasons as claim 1. Reconsideration and withdrawal of the rejection are respectfully requested.

**II. §102 Rejections over Noblett**

The Office Action rejects claims 1, 4 and 6-10 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,362,004 to Noblett (Noblett).

Claim 1 is discussed above. As agreed to in the personal interview, Noblett fails to teach the feature "separately aligning individual inspection windows of each of the discrete reaction sites of the location of the reference molecule," as required by claim 1.

Noblett discloses a method for using fiducial marks on a microarray substrate that includes repositioning the entire microarray sample until a fiducial mark has been imaged and identified. See col. 3, lines 24-35 and col. 6, lines 41-48. Thus, in contrast to the claimed invention, Noblett discloses positioning/aligning the entire microarray as a whole, and thus does not teach separately aligning individual inspection windows with the location of a reference molecule, as required by claim 1. For at least these reasons, as agreed to in the personal interview, Noblett fails to teach every feature of claim 1. Thus, claim 1 is not anticipated by Noblett.

Claims 4 and 6-10 depend from claim 1, and include all of its features. Accordingly, these dependent claims are not anticipated by Noblett for at least the same reasons as claim 1. Reconsideration and withdrawal of the rejection are respectfully requested.

**III. §103 Rejection over Fiekowsky in view of Juncosa**

The Office Action rejects claim 3 under 35 U.S.C. §103(a) as being unpatentable over Fiekowsky in view of U.S. Patent No. 6,309,601 (Juncosa).

Claim 1 is discussed above. For at least the reasons discussed above, Fiekowsky fails to teach or suggest every feature of claim 1. As agreed to in the personal interview, Juncosa fails to overcome the deficiencies of Fiekowsky. Specifically, Juncosa is cited for disclosing

diagonal scanning. However, as agreed to in the personal interview, Juncosa fails to teach or suggest separately aligning individual inspection windows of each of the discrete reaction sites with the location of the reference molecule, as required by claim 1. Accordingly, as agreed to in the personal interview, claim 1 is patentable over Fiekowsky, alone or in view of Juncosa.

Claim 3 depends from claim 1 and includes all of its limitations. Accordingly, claim 3 is patentable over Fiekowsky, alone or in view of Juncosa, for at least the same reasons as claim 1. Reconsideration and withdrawal of the rejection are respectfully requested.

**IV. §103 Rejection over Fiekowsky in view of Pirrung**

The Office Action rejects claims 11-13 under 35 U.S.C §103(a) as being unpatentable over Fiekowsky in view of U.S. Patent No. 5,143,854 to Pirrung et al. (Pirrung).

Claim 1 and Fiekowsky are discussed above. As agreed to in the personal interview, Pirrung fails to overcome the deficiencies of Fiekowsky. Specifically, Pirrung is cited for its disclosure of VLSIPS™ technology. However, as agreed to in the personal interview, Pirrung fails to teach or suggest separately aligning individual inspection windows of each of the discrete reaction sites with the location of the reference molecule, as required by claim 1. Accordingly, as agreed to in the personal interview, claim 1 is patentable over Fiekowsky, alone or in view of Pirrung.

Claims 11-13 depend from claim 1 and include all of its features. Accordingly, these dependent claims are patentable over Fiekowsky, alone or in view of Pirrung, for at least the same reasons as claim 1.

**V. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 3, 4 and 6-14 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

  
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